

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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KPM ANALYTICS NORTH AMERICA  
CORPORATION,

*Plaintiff,*

v.

BLUE SUN SCIENTIFIC, LLC, THE  
INNOVATIVE TECHNOLOGIES GROUP  
& CO., LTD., ARNOLD EILERT,  
MICHELLE GAJEWSKI, ROBERT  
GAJEWSKI, RACHAEL GLENISTER,  
GREGORY ISRAELSON, IRVIN LUCAS,  
AND PHILIP OSSOWSKI

*Defendants.*

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Civil Action No. 4:21-CV-10572-LTS

**PLAINTIFF KPM ANALYTICS NORTH AMERICA CORPORATION’S ASSENTED  
TO MOTION TO IMPOUND AND FOR LEAVE TO FILE DOCUMENTS UNDER SEAL**

Plaintiff KPM Analytics North America Corporation (“KPM”) respectfully requests that the Court grant leave to file under seal the documents containing confidential and highly confidential material that KPM intends to file on July 8, 2022 as part of its opposition to Defendants’ Motion to Compel and Extend Discovery Deadline to Allow for Completion of Fact Discovery Regarding Damages (ECF No. 134) (the “Motion to Compel”). In support of this motion, KPM states as follows:

1. On June 23, 2022, Defendants filed their Motion to Compel under seal after receiving leave from Court to do so, seeking leave to take additional deposition testimony concerning KPM’s damages in this trade secret case.

2. On July 8, 2022, when the response to the Motion to Compel is due, KPM intends to file an opposition that will include attachments with information designated by the parties as

Confidential and Highly Confidential – Attorneys’ Eyes Only pursuant to the Stipulated Protective Order entered in this case (ECF No. 59).

3. The Stipulated Protective Order in this matter provides that “Without written permission from the Designating Party or a court order secured after appropriate notice to all interested persons, a Party may not file in the public record in this action any Protected Material but may file Protected Material under seal in accordance with the rules of the Court.” Protected Material includes material designated confidential and highly confidential.

4. No party has agreed to remove the confidential and highly confidential designations for material that KPM intends to include and reference in its opposition.

5. KPM conferred with counsel for Defendants, who assented to the relief requested in this motion.

WHEREFORE, KPM respectfully requests that the Court allow KPM to file under seal the motion, memorandum of law, and exhibits as part of its opposition to the Motion to Compel on July 8, 2022.

KPM Analytics North America Corporation,

By its attorneys,

/s/ John T. Gutkoski

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July 7, 2022

**Certificate of Compliance with Local Rule 7.1**

This hereby certifies that counsel for Plaintiff conferred with counsel for each of the Defendants, who assented to the relief requested in this motion.

/s/ Scott R. Magee

Scott R. Magee

**Certificate of Service**

This hereby certifies that on July 7, 2022, this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Scott R. Magee

Scott R. Magee